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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,325	05/04/2007	Inderpal Singh Mumick	KIRU-0081-US	6517
64188	7590	11/10/2010	EXAMINER	
ASHOK TANKHA 36 GREENLEIGH DRIVE SEWELL, NJ 08080			HERRERA, DIEGO D	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/589,325	Applicant(s) MUMICK ET AL.	
	Examiner DIEGO HERRERA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1 and 18 have been amended.

Claims 5 and 20 have been cancelled.

Response to Arguments

Applicant's arguments filed 9/1/2010 have been fully considered but they are not persuasive. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, claims 1-20 are taught by the combination of the references cited, unique message identifiers is a broad statement wherein identifiers are assigned, to distinguish the one before the next message there are measures in place as to determine messages whether it be by order, originator, type, time and etcetera, hence it is understood that this is analogous to the art, the ability for the recipient to access said message is associated with said limitation of the link of said multi-modal system as described in references of Kleindienst et al. (abstract, ¶: 14, 39) and Rukman (abstract, ¶: 12).

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Therefore, the claims read broad and are met by the combination of Kleindienst et al. and Rukman.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst et al. (US 20040019487 A1), and in view of Rukman (US 20040185883 A1).

Regarding claim 1. A method of communicating a message in a multimodal SMS communication (title, abstract, ¶: 2, 8, Kleindienst et al. teaches multimodal messaging), the method comprising:

creating a voice message (abstract, ¶: 4, 9, 32, Kleindienst et al. teaches compose, send and retrieve messages) by recording said voice message on a multimodal platform (abstract, ¶: 2, 8, 24, Kleindienst et al. teaches multimodal platform with messages voice, text and other types);

However, Kleindienst et al. may not teach generating an SMS message containing a link, which when activated allows a recipient to retrieve the message; nonetheless, it is well known in the art and in the same field of endeavor is taught by Rukman (abstract, title, ¶: 11, 13-16, 26, Rukman teaches SMS with category).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include message that can be accessed by the recipient, as taught by Kleindienst et al. for the purposes of including further information that may be limited by the SMS which includes MMS, mobile telephone, or e-mail, pictures, photos, speech and audio from wireless phone (¶:6).

assigning a unique message identifier to the voice message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message), wherein the message identifier comprises a user

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identifier combined with a network identifier, wherein the message identifier is assigned by a network pool (¶: 24, Kleindienst et al. teaches network system), and wherein the message identifier is associated with the recipient;

adding the message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message);

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient via a connection that comprises a wireless network (fig. 1, 3, ¶: 31; Kleindienst et al. teaches sends a wireless message through a network) for notifying said recipient of said voice message and/or for providing said link to said recipient (¶: 24, Kleindienst et al. teaches network system);

wherein the message contains audio, text, or both audio and text (¶: 9, Kleindienst et al. teaches audio, text, or both; fig. 2).

Regarding claim 18. A computer-readable medium having computer-executable instructions to perform a method of communicating a message in a multimodal SMS communication, (title, abstract, ¶: 2, 8, Kleindienst et al. teaches multimodal messaging) the method comprising:

creating a voice message (abstract, ¶: 9, Kleindienst et al. teaches compose, send and retrieve messages) by recording said voice message on one or more of a multimodal platform and an associated speech server (abstract, ¶: 2, 8, 24, Kleindienst et al. teaches multimodal platform with messages voice, text and other types);

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However, Kleindienst et al. may not teach generating an SMS message containing a link, which when activated allows a recipient to retrieve the voice message;

nonetheless, it is well known in the art and in the same field of endeavor is taught by Rukman (abstract, title, ¶: 11, 13-16, 26, Rukman teaches SMS with category).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include message that can be accessed by the recipient, as taught by Kleindienst et al. for the purposes of including further information that may be limited by the SMS which includes MMS, mobile telephone, or e-mail, pictures, photos, speech and audio from wireless phone (¶:6).

assigning a unique message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assigned to the message whether it be SMS, MMS, text message, IM, or e-mail message), wherein the message identifier comprises a user identifier combined with a network identifier, wherein the message identifier is assigned by a network pool (¶: 24, Kleindienst et al. teaches network system), and wherein the message unique identifier is associated with the recipient (abstract, ¶: 13-16, 9, 39, 82, Kleindienst et al. teaches ID associated with words, text, and applications on the mobile device);

adding the message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assigned to the message whether it be SMS, MMS, text message, IM, or e-mail message);

transmitting the SMS message to the recipient via a connection that comprises a wireless network (fig. 1, 3, ¶:31; Kleindienst et al. teaches sending a wireless message

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through a network) for notifying said recipient of said voice message and/or for providing said link to said recipient (¶: 24, Kleindienst et al. teaches network system); wherein the message may contain audio, text, or both audio and text (¶: 9, Kleindienst et al. teaches audio, text, or both; fig. 2).

Consider claim 2. The method of claim 1, further comprising:

accessing the SMS message by activating the link (abstract, ¶: 23, 32, Kleindienst et al. teaches accessing the SMS message).

Consider claim 3. The method of claim 1, further comprising:

the recipient providing an outgoing SMS message in reply to the SMS message by accessing the link (¶: 11, 13, Rukman teaches SMS and MMS message accessing link to further services).

Consider claim 4. The method of claim 3, wherein the outgoing SMS message is intercepted by an SMS center if the recipient is part of a defined subset of recipients (fig. 1, Rukman shows MMSC and SMSC and gateway between them).

Consider claim 5. The method of claim 1, wherein the unique message identifier is comprised of a user identifier combined with a network identifier and is assigned by a network pool (¶: 24, Kleindienst et al. teaches network system).

Consider claim 6. The method of claim 1, wherein the audio message is a voice mail message and wherein the link allows access to the voice mail message (¶: 9-11, 32, Kleindienst et al. teaches voice only mode).

Consider claim 7. The method of claim 1, wherein the message contains audio and wherein the step of creating the message comprises:

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calling an assigned network number (¶: 57-59, Rukman teaches network gateway system for providing message); and
speaking the desired message (reference of Rukman has the ability of MMS messages, hence, audio message can be recorded).

Consider claim 8. The method of claim 1, wherein the step of transmitting the SMS message comprises:

sending the SMS message to a virtual service identifier number, wherein the SMS message is directed to a multimodal platform (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 9. The method of claim 8, wherein the multimodal platform associates the virtual service identifier number with the recipient (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 10. The method of claim 1, wherein the step of transmitting the SMS message comprises:

an SMS center intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients (fig. 1, Rukman shows MMSC and SMSC and gateway between them).

Consider claim 11. The method of claim 1, wherein the SMS message is converted into a multimodal SMS message (abstract, Rukman).

Consider claim 12. The method of claim 1, further comprising:

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filtering the SMS message to determine if the sender of the text SMS message is a subscriber to a multimodal SMS service (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 13. The method of claim 1, wherein a sender of the SMS message is a subscriber to a network carrier responsible for sending and delivering the message (¶: 24, Kleindienst et al. teaches network system).

Consider claim 14. The method of claim 1, further comprising:
converting the SMS message to a multimedia message, comprising dividing the text message into multimedia components (table 1, Kleindienst et al. teaches SMS text and Pictures).

Consider claim 15. The method of claim 1, further comprising:
adding a multimodal SMS link to a non-text portion of the message, if the outgoing message is directed to an instant message platform (abstract, Kleindienst et al. teaches IM platform for the multimodal messaging).

Consider claim 16. The method of claim 2, wherein the SMS message is a message from a voice message system (¶: 9-11, 32, Kleindienst et al. teaches voice only mode).

Consider claim 17. The method of claim 1, further comprising:
retrieving the SMS message by one of (i) activating the link and (ii) calling an access number, wherein the retrieval of the SMS message may result in a predetermined charge to the recipient (abstract, ¶: 23, 32, Kleindienst et al. teaches accessing the SMS message).

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Consider claim 19. The computer-readable medium of claim 18, wherein the method further comprises:

accessing the SMS message by activating the link (abstract, ¶: 23, 32, Kleindienst et al. teaches accessing the SMS message).

Consider claim 20. The computer-readable medium of claim 18, wherein the unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool (¶: 24, Kleindienst et al. teaches network system).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617